

TRANSCRIPT OF INITIAL APPEARANCE
BEFORE MAGISTRATE JUDGE ROBERT B. JONES, JR.
FRIDAY, JUNE 23, 2023; 11:58 AM
WILMINGTON, NORTH CAROLINA

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1 P R O C E E D I N G S

2 MS. WARLICK: Morning, Your Honor.

3 MR. DYSART: Good morning, Your Honor.

4 THE COURT: Mr. Dysart, are you retained or appointed
5 in this case?

6 MR. DYSART: My firm's been retained, Your Honor.

7 THE COURT: Okay. All right.

8 MR. DYSART: We did file a notice of appearance. I
9 think that there has been a slight change to the case file
10 number because of the recent indictment that came in, and it's
11 now been assigned to Chief Judge Myers. But I did check the
12 docket prior to this proceeding and confirmed that our notice
13 of appearance still show.

14 THE COURT: All right. Very good.

15 MR. DYSART: Thank you, Judge.

16 THE COURT: All right. So Mr. Welton, we're here for
17 your first appearance in this district regarding a two-count
18 indictment that's been filed in this matter. The purpose of
19 this hearing is for me to inform you of those two counts,
20 those charges, make sure that you understand those, as well as
21 the maximum punishment you face if found to be guilty of those
22 alleged offenses. I will also be advising you of the rights
23 that you have in this case as this case proceeds and provide
24 you with information on what may happen in your case after
25 today.

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1 Mr. Dysart, you have a copy of the indictment there?

2 MR. DYSART: I do, Your Honor. Thank you.

3 THE COURT: All right. So Mr. Welton's two-count
4 indictment, Count I alleges as follows: that on or about
5 September 29 of 2021, in the Eastern District of North
6 Carolina and elsewhere, that you did threaten to assault and
7 murder a United States senator and his staff with the intent
8 to retaliate against the United States senator and his staff
9 on account of the performance of their official duties in
10 violation of Title 18 of United States Code Sections
11 115(a)(1)(B) and (e).

12 And then Count II alleges that on or about November
13 the 2nd of 2022, in the Kingdom of Thailand, a location
14 outside the territory of the United States, that you did
15 threaten to assault and murder United States Marines and
16 others working at the United States Consulate in Chiang Mai,
17 Thailand, with the intent to retaliate against the United
18 States Marines and others working at the United States
19 consulate in Chiang Mai, Thailand, on account of their
20 performance of their official duties in violation of Title 18
21 of United States Code Sections 115(a)(1)(B) and (e).

22 So those are the two counts alleged against you.

23 Could the government advise as to maximum punishment
24 Mr. Welton faces if found to be guilty of these offenses?

25 MS. WARLICK: Yes, Your Honor. The penalties for

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1 Count I and II are the same. If the threat made was to kidnap
2 or murder, you face not more than ten years in prison, a fine
3 not to exceed 250,000 dollars, or both fine and imprisonment,
4 not more than three years of supervised release, not more than
5 two years' imprisonment upon revocation of supervised release,
6 a 100-dollar special assessment, and restitution if
7 applicable.

8 If the threat was merely to assault, the maximum
9 penalty for -- of imprisonment is reduced to six years in
10 prison.

11 THE COURT: So if the threat was to kidnap or murder,
12 the maximum punishment is not more than ten years of
13 imprisonment -- well, the maximum term of imprisonment is not
14 more than ten years. If it's a threat to assault, the
15 maximum -- the imprisonment term is not more than six years of
16 prison. Is that right?

17 MS. WARLICK: Yes, Your Honor.

18 THE COURT: And then --

19 MS. WARLICK: The remaining --

20 THE COURT: And then everything else is the same: a
21 fine not more than 250,000 dollars, not more than three years
22 of supervised release, two years in prison if supervised
23 release is revoked, special assessment of 100 dollars, and
24 restitution if applicable, right?

25 MR. DYSART: Yes, Your Honor.

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1 THE COURT: Okay. And that is per offense, correct?

2 I and II?

3 MS. WARLICK: Yes, Your Honor.

4 THE COURT: All right.

5 MR. DYSART: Yes, Your Honor.

6 THE COURT: All right. Mr. Welton, sir, you
7 understand these two counts, as well as the maximum punishment
8 you face if found to be guilty of each of those?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Okay. All right. Under the Constitution
11 and the laws of the United States, you have the following
12 rights. You have the right to remain silent. This means that
13 no one can require you to answer any questions or make any
14 statements about the charges that you face. This is a right
15 that you can waive or give up. So after knowing of your right
16 to silence, if you decide to answer any questions or make any
17 statements, whatever you say can be used against you.

18 On a later date, you'll be called upon to enter a
19 plea to the charges that have been filed against you in this
20 case. Your plea can be either guilty or not guilty. If you
21 decide to plead guilty, there will be no trial in your case
22 because you will be admitting that you committed the crimes
23 charged against you. However, if you decide to plead not
24 guilty, there will be a trial, and at a trial, you are
25 presumed to be innocent. There is no burden on you to prove

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1 anything.

2 Instead, the burden will be on the government to
3 prove you guilty beyond a reasonable doubt. Typically, the
4 government would do this by calling witnesses that come to
5 court and testify at trial in open court. These witnesses
6 will be placed under oath, and they will testify from the
7 witness stand. After the government finishes asking these
8 witnesses questions, you or your attorney will be led to
9 question them. This process is called cross-examination.
10 These rights are related to your right under the Constitution
11 to confront witnesses against you.

12 At a trial, you have the right to present evidence on
13 your own behalf. This includes the right for you to testify,
14 but only if you wish to do so. You cannot be required to
15 testify, and that is because of the right of silence I've
16 informed you of this morning. If you choose not to testify,
17 the judge may not, from that fact, assume that you're guilty.
18 The judge will also instruct the jury that they may not assume
19 your guilt from your silence.

20 You have the right to use the subpoena power of this
21 Court to make witnesses who are favorable to your case to come
22 to court and testify on your behalf. You have the right to
23 have a jury trial. You have the right to be represented by an
24 attorney and to hire an attorney yourself. If you cannot
25 afford an attorney, you may be entitled to have the Court

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1 appoint one for you. And if the Court does that, and you're
2 found to be guilty, you may be required to repay part of or
3 the entire cost of your appointed counsel.

4 Okay. So what is the position of the government on
5 liberty status here and the status of his detention?

6 MS. WARLICK: Your Honor, the magistrate judge in
7 Atlanta ordered his detention after a contested detention
8 hearing.

9 THE COURT: Okay. So a hearing was held down in the
10 Northern District of Georgia?

11 MR. DYSART: Yes, Your Honor. And we're not asking
12 to be heard on that issue today.

13 THE COURT: Okay.

14 MR. DYSART: I've consulted with the government. At
15 some later time, at the appropriate time, we would always --
16 could file something to ask that that matter be reopened here,
17 but we're not asking to reconsider that today.

18 THE COURT: Okay. Mr. Welton, sir, have you heard
19 and understood everything I've said to you this morning?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Okay. Unless it's already been done --
22 well, even if it has been done in the Northern District of
23 Georgia, the Court reminds the prosecution and defense of the
24 following: that is the government disclosure obligation under
25 Brady v. Maryland, and cases following Brady, and the possible

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1 consequences of violating such order under applicable law.
2 Brady, and cases following, require prosecutors to disclose
3 exculpatory evidence that is in the government's possession to
4 the defense. The failure by the government to comply with
5 this disclosure obligation may result in the reversal of a
6 conviction, the vacation of a sentence, or the imposition of
7 sanctions against individuals responsible for the violation,
8 among other consequences.

9 Okay. Is there anything further regarding Mr.
10 Welton's case?

11 MR. DYSART: Not from the defense, Your Honor.

12 THE COURT: Government?

13 MS. WARLICK: No, Your Honor.

14 THE COURT: Okay. Thank you very much.

15 MR. DYSART: Thank you, Judge.

16 THE BAILIFF: All rise.

17 (Court is adjourned)

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/s/ *M.Friedland*

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